

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

April 19, 2004

PRESENT: Tom Cowan, Chair
Mark Decker
Terry Janicz
John Potera
Don Hoefler
Andy Kelkenberg
Rick Meahl
Rebecca Baker, Zoning Officer
Christine Falkowski, Planning Board Clerk

The Ag District Informational meeting was held at 7:30PM and attended by all of the above. The Planning Board meeting was called to order by Tom Cowan at 8:00 PM.

NEW BUSINESS

T-Mobile 160' Cell Tower - 5877 Buell Street (Town of Newstead owned property) – Site Plan

Steve Lingard, Site Manager for Omnipoint Communications, Inc. attended the meeting. Propagation maps were provided, and Mr. Lingard explained that T-Mobile is unable to co-locate on any of our existing towers. The site will have a 4' x 5' cabinet, not a building. The tower will be the monopole type with space for up to five carriers. The Town would like the tower tucked into the southeast corner of the 19-acre parcel to make it less obtrusive. Our Code states that the tower must have a fall zone equal to its height from any residential zoned property. The adjacent property is zoned R-A (St. Theresa's Church and Kreher's). Section 84-3 B (2)(a) of our Code exempts this fall zone due to it being municipal-owned property. Therefore, a variance application will not be necessary. They would like to begin construction in July. John asked about the restriction of being located 500' from any residential dwelling or school. Currently, none exists, but if St. Theresa's or Kreher's wanted to build such structure(s), this could be a problem. Does this mean we should allow for a potential structure within 500'? Tom motioned to recommend approval, seconded by Don and all approved.

Sign Ordinance Review – Nathan Neill

Nathan Neill, Town Attorney, reviewed the sign ordinance that was submitted to the Town Board for approval. Don explained how the information in the revision was derived, and stated he feels over 90% of existing signs will be in compliance. Will the approximate 10% of non-conforming signs need to be inventoried? Those sign-owners will not be able to make repairs without a new sign permit and must rebuild/repair under the new ordinance criteria. Nathan advised against getting too technical, for example, on how a sign is illuminated. Don stated that we followed Alden, Amherst and Clarence codes. Nathan suggested that we predict how the ordinance will affect people and potential problems. He also expressed concern over the strict penalties. Will the Prosecutor be comfortable handling penalties without the D.A.? Bouncing penalties down to a lower level will make handling violations easier. Nathan will speak to Duane Root and the Judges.

OLD BUSINESS

Route 5 /Overlay Zone/Moratorium on Used Auto Dealers/Design Criteria

The next meeting of the Steering Committee meeting will be held on April 22nd at 8AM. A preliminary draft of the Route 5 Overlay District prepared by Wendel, dated April 16th, was distributed to the Board.

Fence/Wall Ordinance

Discussion on this issue resumed from the previous meeting. Should the ordinance be re-written or left as is? Should we require a building permit with a sketch only? The item was tabled. Tom will meet with Becky to write up standards for the ordinance (to include signs for private entrances).

Minutes Review - Mark motioned to approve the minutes of April 5, 2004, seconded by Rick and all approved.

Flaglots/Open Development

Approving flaglots as buildable lots is a mechanism to make good use of back land (per Master Plan). A healthy debate ensued as to whether we should allow the purposeful creation of flaglots vs. development of existing flaglots only. Flaglot development will require a site plan. Currently, site plans are recommended by the P/B to the T/B for approval. Why couldn't the Planning Board give final approval for flaglot site plans? Some felt that the Town Board should be the approving body in order to force a public hearing, thereby notifying adjacent property owners. Also, if three homes are allowed on one driveway, how big should each lot be? Tom provided a handout on flaglots that he asked the Board to review, make changes and bring to the next meeting for discussion.

Next meeting: Monday, May 3, 2004

John motioned to adjourn the meeting at 9:50 PM, seconded by Rick and all approved.

Respectfully submitted, Christine Falkowski, Recording Secretary